

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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U.S. BANKRUPTCY COURT
DULUTH, MN

In re:

Dennis E. Hecker,

Debtor.

BKY No. 09-50779
Chapter 7

**OBJECTION TO THE TRUSTEE'S MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATION**

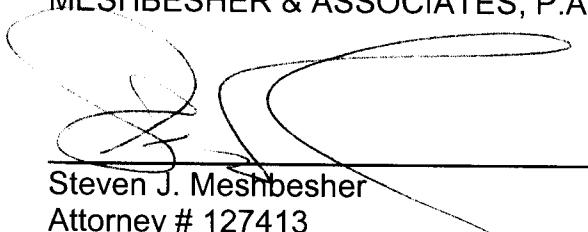
James C. Gustafson hereby objects to the Trustee's Motion for an Order authorizing his Examination in accordance with Rule 2004 on the following grounds:

- 1) Mr. Gustafson retained undersigned counsel on August 20, 2009 to represent him during the course of a related federal investigation involving Debtor Hecker.
- 2) By a letter dated November 16, 2009, Mr. Gustafson was notified that he had been designated as a "target" of the related federal investigation involving allegations of mail/wire fraud, bankruptcy fraud, and money laundering on the part of Debtor Hecker and other suspected conspirators. See Letter dated November 16, 2009, Attached.
- 3) To grant the Trustee's Motion and Order Mr. Gustafson to submit to a Rule 2004 Examination would necessarily jeopardize his right against self-incrimination as guaranteed by the Fifth Amendment to the U.S. Constitution.

Absent a documented grant of transactional immunity from the Government prior to any examination or questioning, Mr. Gustafson does not intend to provide any testimony in this matter. If ordered to appear by this Court for purposes of a Rule 2004 Examination, Mr. Gustafson will be advised by undersigned counsel to exercise his Fifth Amendment right against self-incrimination.

Respectfully submitted,

MESHBESHER & ASSOCIATES, P.A.



Steven J. Meshbesher
Attorney # 127413
225 Lumber Exchange Building
10 South Fifth Street
Minneapolis, MN 55402
Phone: (612) 332-2000

Dated: March 2, 2010



U.S. Department of Justice

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United States Attorney
District of Minnesota

600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
www.usdoj.gov/usao/mn

(612)664-5600

November 16, 2009

James Gustafson
c/o Steven J. Meshbeshier, Esq.
225 Lumber Exchange Bldg.
10 South Fifth Street
Minneapolis, MN 55402

Re: Target Letter

Dear Mr. Gustafson:

This letter is to inform you that you have been designated as a "target" of a federal investigation that involves allegations of mail and wire fraud, money laundering, and bankruptcy fraud, among other things.

The purpose of this letter is to provide you with an opportunity to testify before the grand jury regarding this matter or to be interviewed by representatives of the Internal Revenue Service, Criminal Investigation Division, the Federal Bureau of Investigation, the Minnesota State Patrol and this office. Please be advised that you have not been subpoenaed for an appearance before the grand jury, and therefore you are not required to appear before the grand jury, nor are you required to attend an interview.

Should you elect to testify before the grand jury, you will have certain rights which will be explained to you both prior to entering the grand jury room, as well as in the grand jury room prior to any questioning. These rights include the right to consult with your counsel and the right against self-incrimination. Should you elect to testify, your testimony must be truthful, as you will be required to testify under oath. In addition, if you elect to testify, anything you do testify about may be used against you. If you are represented by counsel, your attorney is welcome to attend the interview or to accompany you to your grand jury appearance, though your attorney cannot be present while you testify before the grand jury.

If you wish to voluntarily appear before the grand jury or to meet with us for an interview, please let us know promptly. If you

James Gustafson
c/o Steven J. Meshbesher, Esq.
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are interested in discussing a pre-indictment resolution of your case, please let us know that promptly as well. We would be willing to provide you with proffer (letter) immunity in connection with an interview and/or grand jury appearance.

If we do not hear from you or your attorney by December 11, 2009, we will assume that you are not interested in a grand jury appearance, an interview, or a pre-indictment resolution of this matter.

Sincerely,

B. TODD JONES
United States Attorney

Nicole A. Engisch
BY: NICOLE A. ENGISCH
Assistant U.S. Attorney

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Dennis E. Hecker,

BKY No. 09-50779

Chapter 7

Debtor.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2010, I sent the following documents:

Objection to the Trustee's Motion for Order Authorizing Rule 2004 Examination
and cover letter

to be sent via U.S. Mail to the Clerk of Bankruptcy Court, Duluth, Minnesota, and that
copies of the documents were sent via first-class U.S. Mail to the following persons:

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

William R. Skolnick
Skolnick & Schiff, P.A.
2100 Rand Tower
527 Marquette Avenue South
Minneapolis, MN 55402

Ralph Thomas
6263 N. Scottsdale Road
Scottsdale, AZ 85250

VisionBank
3000 – 25th Street South
P.O. Box 10008
Fargo, ND 58106

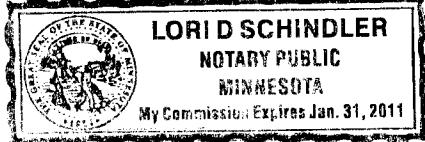
Randall L. Seaver
12400 Portland Avenue South
Suite 132
Burnsville, MN 55337

Matthew R. Burton
Leonard, O'Brien, et al
100 South Fifth Street, Ste. 2500
Minneapolis, MN 55402

Subscribed and sworn to before me
This 2nd day of March, 2010


Steven J. Meshbesher

Notary Public





M E S H B E S H E R & A S S O C I A T E S

ATTORNEYS AT LAW

STEVEN J. MESHBESHER

CERTIFIED CRIMINAL TRIAL SPECIALIST BY
THE NATIONAL BOARD OF TRIAL ADVOCACY
LICENSED TO PRACTICE IN WISCONSIN

KEVIN M. GREGORIUS
ADAM T. JOHNSON

March 2, 2010

Anita Miller, Deputy-in-Charge
U.S. Bankruptcy Court
404 U.S. Courthouse
515 West First Street
Duluth, MN 55802

Re: In re: Dennis E. Hecker, Debtor
BKY No. 09-50779

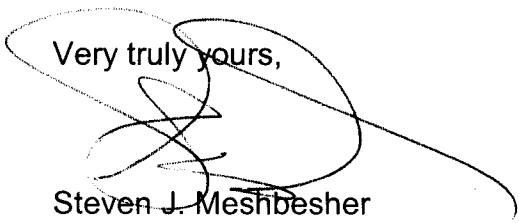
Dear Ms. Miller:

Enclosed and for filing in the above-referenced matter, please Mr. James Gustafson's Objection to the Trustee's Motion for Order Authorizing Rule 2004 Examination and a Certificate of Service. Copies of the Objection were served upon Dennis E. Hecker, William R. Skolnick, Ralph Thomas, VisionBank, Trustee Randall L. Seaver, and Matthew R. Burton on this date via U.S. Mail. A courtesy copy was likewise sent to the Hon. Robert J. Kressel.

I understand that the Court disfavors conventional filing and generally requires electronic filing when possible. Unfortunately, Mr. Gustafson is not a party to the above-referenced bankruptcy proceeding, and I do not have electronic filing privileges with the U.S. Bankruptcy Court. To further complicate matters, the Trustee's Notice of Hearing and Motion indicates that responses or objections to his Motion must be filed and served no later than March 5, 2010. Under these circumstances, I respectfully request that the enclosed document be received and filed conventionally.

Thank you for your assistance.

Very truly yours,



Steven J. Meshbesher

SJM:kg

Cc: Dennis E. Hecker
William R. Skolnick
Ralph Thomas
VisionBank
Randall L. Seaver
Matthew R. Burton